

**TOWN OF PAVILION  
REGULAR MEETING**

**May 13, 2015**

**7:00 P.M.**

The Town Board of the Town of Pavilion held the regular monthly meeting on May 13, 2015 at the Town Hall, One Woodrow Drive, Pavilion, New York at 7:00PM present were:

Supervisor Theron Howard  
Councilperson Thomas Klapper  
Councilperson Linda Thompson  
Councilperson Dean Davis  
Councilperson Robert LaPoint

Others: Town Clerk Cindy Starr, Interim Deputy Highway Superintendent James Cleveland, Daniel Lang, Dan Stowell, Phil Mignano, Jessie & Jolene Coots, Joel Offhaus, Clayton & Jean Kelkenberg, Donald Oberlin, Doug Kelkenberg, Keith Clarke, Collin Graham, Bill Kegler & Suzanne Schauf.

Supervisor Howard opened the meeting at 7:13 PM followed by the pledge to the flag.

Councilperson Klapper offered a motion, seconded by Councilperson Davis, to approve the April 8, 2015 meeting minutes as submitted.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

Councilperson Thompson offered a motion, seconded by Councilperson LaPoint, to authorize the clerk to draw a warrant on the supervisor to pay bills. General \$11,992.13; T&A \$45,785.05, Library \$2,570.27; Sewer \$12,735.57; Highway \$24,770.08; Water \$736.12 TOTAL \$ 98,589.22

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

A motion was offered by Councilperson Davis, seconded by Councilperson Klapper

To approve monthly operating statement.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

A motion was offered by Councilperson Davis, seconded by Councilperson Klapper.

To approve monthly bank statement.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

A motion was offered by Councilperson Davis, seconded by Councilperson Klapper.

To approve monthly clerk report.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

Keith Clarke inquired when the water committee would be meeting.

Collin Graham attended the meeting, he is working on a Boy Scout badge.

Jessie Coots explained about an annual event held at his Linwood Rd home this year on August 1, 2015. Over 1000 people attend, would like to have the road closed from his driveway on Linwood Rd, South to the corner of Black St Rd. Has checked with neighbors and they are in agreement. Town board advised to check with Tim Yaeger Genesee County Emergency Coordinator and Chad Freeman Pavilion Fire Department Chief.

Clayton Kelkenberg would like ditch cleaned on his Roanoke Rd property, Town will clean ditch if Mr. Kelkenberg will give the town a drainage easement. Mr. Kelkenberg agreed.

A motion was offered by Councilperson Klapper, seconded by Councilperson Davis

**Resolution No 44, 2015: Kelkenberg easement**

**RESOLVED:** Clayton Kelkenberg to give the Town of Pavilion a drainage easement to his Roanoke Rd property and the Town will clean his ditch to the Towns reasonable standard.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

Dan Lang Code Enforcement Officer

~Working with Superior Energy project on corner of Junction Rd and Rt 19

32 acres need to be rezoned, will go to the County Planning Board next month.

~Dan Stowell & Phil Mignano from Superior Plus Energy explained that Superior will move storage and retail business to that location. Superior is working with a surveyor and the DEC.

~Working on Town violations.

~Town of Batavia has purchased new Code Enforcement software will be a benefit to the Town.

Councilperson Davis offered a motion, seconded by Councilperson LaPoint

**Resolution No. 45, 2015:** Planning Board as lead agency

**RESOLVED:** Name Town of Pavilion Planning Board as lead agency for Superior Plus Energy for SEQRA review.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

Councilperson Davis offered a motion, seconded by Councilperson LaPoint

**Resolution No. 46, 2015: Send Superior Plus Energy rezoning application request to Genesee County for review.**

**RESOLVED:** Where as Town of Pavilion Town Board requests that the Genesee County Planning Board reviews and makes a recommendation to the Town of Pavilion Town Board for the application of rezoning 32 acres located on Corner of Rt 19 & Junction from AR1 to industrial within the Town of Pavilion. The current tax map number of the parcel is 5.-1-23.1. The 32 acres will be land separated from the original parcel contingent upon the rezoning request approval.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

Report-James Cleveland, Interim Deputy Highway Superintendent

~Would like to thanks Ronald Zarbo for all the work he was doing to benefit the Town.

~Working on outside lights completing the project Ron Zarbo was working on.

~ Received 2 quotes for out building roofs.

Bill Fox & Son Construction Building one- \$8,316.17

Building two-\$3,733.00

RCK Seamless Gutters LLC Building one-\$8,482.64

Building two-\$3,580.13

~Attended workshop on road signs, Town needs to start replacing road signs.

~Letter from Noreen Tillotson concerns lack of signage or painted center line on River Rd to indication of which direction River Rd actually takes. She feels this situation is an accident waiting to happen.

~RPZ has been installed

~ Call from Fire Dept high level alarm from grinder pump. New pump was replaced last year, replaced pump this year, but the float on replaced pump last year was not working because of large amount of grease on float. Grease trap needs to be installed in Fire Hall Building.

Councilperson Davis offered a motion, seconded by Councilperson Klapper to accept bids from Bill Fox & Son Construction in the amount of \$8,316.17 for building one and \$3,733.00 for building two to replace out building roofs.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

A motion was offered by Supervisor Howard, seconded by Councilperson Davis to accept

**Resolution No. 47, 2015: Ronald Zarbo resignation as Highway Superintendent**

**RESOLVED:** With deep regret the Town Board accepts the resignation of Ronald Zarbo as Highway Superintendent. Ronald Zarbo was also a valued member of the Town Board and will be missed.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

A motion was offered by Councilperson Davis, seconded by Councilperson Thompson to accept

**Resolution No. 48, 2015: Tax Freeze**

**WHEREAS:** The State of New York has passed Property Tax Freeze legislation and

**WHEREAS:** The State of New York is allowing each of its municipalities to file Tax Freeze documentation using Genesee County as Lead Entity rather than filing individually and

**WHEREAS:** The State of New York will consider plans submitted to the Lead Entity as having fulfilled the municipality filing requirements under the Tax Freeze legislation,

**THEREFORE:** The Town of Pavilion hereby resolves to recognize Genesee County as Lead Entity and submit our documentation to rather than directly to the State

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

A motion was offered by Councilperson Davis, seconded by Councilperson Klapper to accept

**Resolution No. 49, 2015: Leave & Attendance Policy**

**RESOLVED:** To accept the leave & attendance policy as written.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

A motion was offered by Councilperson LaPoint, seconded by Councilperson Davis to accept

**Resolution No. 50, 2015: Planning Board Member**

**RESOLVED:** Appoint Gary Kingsley as Planning Board Member term expiring 12/31/2021.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

A motion was offered by Councilperson LaPoint, seconded by Councilperson Davis to accept

**Resolution No. 51, 2015: Planning Board Member**

**RESOLVED:** Appoint Terry Bartholomew as Planning Board Member term expiring 12/31/2016

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

A motion was offered by Councilperson LaPoint, seconded by Councilperson Davis to accept

**Resolution No. 52, 2015: Zoning Board Member**

**RESOLVED:** Appoint John Eisenhard as Zoning Board Member term expiring 12/31/2019

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

A motion was offered by Councilperson LaPoint, seconded by Councilperson Davis to accept

**Resolution No. 53, 2015: Planning Board & Zoning Board of Appeals Acceptable Methods Training.**

**RESOLVED:** The Town of Pavilion hereby endorses hosted training, interactive online training, video training, and in-house sessions as acceptable methods to count towards Planning Board and ZBA required training hours. Training sessions must be approved by the Pavilion Town Board prior to or subsequent to the training taking place. Training Request forms should be presented to the Town Board for approval and any fees and/or reimbursement. Accrued training hours will 'carry-over' from year to year. Members of

the Planning Board and ZBA are required to have a minimum of 4 hours per year be they new hours or hours redeemed from previous years. A record of training sessions attended and hours accrued will be kept by each board, signed by the board chair, and filed with the Town Clerk.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

A motion was offered by Councilperson Klapper, seconded by Councilperson Davis to declare computer equipment and a safe as surplus equipment.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

Supervisor Howard has been in contact with Ken Ellison Pavilion Central School Superintendent regarding the schools participation in replacing underground fuel tanks to above ground fuel tanks.

At 8:37PM motion was offered by Supervisor Howard, seconded by Councilperson Klapper for executive session in regard to Personnel Conduct issues.

At 9:42PM motion was offered by Councilperson Davis, seconded by Councilperson Thompson to return to regular meeting.

A motion was offered by Councilperson LaPoint, seconded by Councilperson Davis to have a works session meeting will be on May 27, 2015 at 7:00PM at the Town Hall.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye

Councilman Thompson made a motion at 9:55PM to adjourn meeting seconded by Councilperson Klapper. Voting all ayes.

Respectfully submitted,

Lucinda Starr  
Pavilion Town Clerk